



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

IN REPLY REFER TO:
7202.4-OS-2012-00390

August 13, 2012

Michael Morisy
MuckRock News
DEPT MR 1551
PO Box 55819
Boston, MA 02205-5819

Dear Mr. Morisy:

On July 22, 2012, you sent several emails seeking the following a copy of the OLES Security Assessment Reports for: Ellis Island, Mount Rushmore National Memorial, Jefferson National Expansion Memorial, National Mall, Statute of Liberty National Monument, Independence Hall and Liberty Bell, and Boston National Historic Park.

On July 23, 2012, we acknowledged your request and advised you of your fee status under the FOIA. We are writing today to respond to your request on behalf of the Office of the Secretary. Please find enclosed one CD containing 3 file consisting of 98 pages.

Portions of the enclosed documents have been redacted pursuant to Exemption 6 of the FOIA (5 U.S.C. § 552 (b)(6)) because they fit certain categories of information:

Names

Exemption 6 allows an agency to withhold “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The courts have held that the phrase “similar files” involves all information that applies to a particular person. Hertzberg v. Veneman, 273 F. Supp. 2d 67, 85 n.11 (D.D.C. 2003).

To determine whether releasing requested information would constitute a clearly unwarranted invasion of personal privacy, we are required to perform a “balancing test.” This means that we must weigh the individual’s right to privacy against the public’s right to disclosure.

- (1) First, we must determine whether the individual has a discernable privacy interest in the information that has been requested.

- (2) Next, we must determine whether release of this information would serve “the public interest generally” (i.e., would “shed light on the performance of the agency's statutory duties”).
- (3) Finally, we must determine whether the public interest in disclosure is greater than the privacy interest of the individual in withholding.

The information that we are withholding consists of personal information, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in it. Additionally, we have determined that the disclosure of this information would shed little or no light on the performance of the agency's statutory duties and that, on balance, the public interest to be served by its disclosure does not outweigh the privacy interest of the individuals in question, in withholding it. Nat'l Ass'n of Retired Fed. Employees v. Horner, 879 F.2d 873, 879 (D.C. Cir. 1989).

In summation, we have determined that release of the information that we have withheld would constitute a clearly unwarranted invasion of the privacy of these individuals, and that it therefore may be withheld, pursuant to Exemption 6.

Portions of the enclosed documents have been redacted pursuant to Exemption 7 of the FOIA (5 U.S.C. § 552 (b)(7)).

Exemption 7 of the FOIA protects from disclosure “records or information compiled for law enforcement purposes” if such records fall within one or more of seven additional categories. The records withheld under Exemption 7 were compiled for law enforcement purposes and therefore meet the threshold requirement of Exemption 7.

7(C)

Exemption 7(C) protects personal information in law enforcement records where release could reasonably be expected to constitute an unwarranted invasion of personal privacy. Here, releasing records you are seeking would constitute an unwarranted invasion of privacy. Therefore, we are withholding records under Exemption 7(C).

7(E)

Exemption 7(E) protects law enforcement records that “would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.” Here, releasing records you are seeking could reasonably be expected to risk circumvention of the law because they disclose techniques and procedures for law enforcement investigation or prosecution. Therefore, we are withholding records under Exemption 7(E).

Cecelia Townes, Attorney- Advisor with the Office of the Solicitor, was consulted in reaching this decision. Clarice Julka, Office of the Secretary FOIA Officer, is responsible for making this decision.

Appeal

You may file a FOIA appeal by writing to the FOIA Appeals Officer, U.S. Department of the Interior, 1849 C Street, N.W., MS 6556 – MIB, Washington, D.C. 20240. Your appeal letter must be received no later than 30 workdays after the date of our final response. Your appeal letter must be marked, both on its envelope and at the top of its first page, with the legend “FREEDOM OF INFORMATION APPEAL.” Your appeal letter must be accompanied by a copy of your original FOIA request, a copy of this letter, and a brief explanation of why you believe that this decision is in error.

Fees

Your entitlements as a “media-use requester” were sufficient to cover all applicable FOIA charges; therefore there is no billable fee for the processing of this request.

If you have any questions about our response to your request, you may contact Clarice Julka by phone at 202-208-6045, by fax at 202-219-2374, by email at osfoia@nbc.gov, or by mail at U.S. Department of the Interior, 1951 Constitution Avenue, N.W., MS 116 SIB, Washington, D.C. 20240.

Sincerely,



Clarice Julka
Office of the Secretary
FOIA Officer

Enclosure